

AMENDED IN ASSEMBLY JANUARY 29, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 23

Introduced by Assembly Member Nation

December 2, 2002

An act to add Section 139 to the Health and Safety Code, relating to breast cancer.

LEGISLATIVE COUNSEL'S DIGEST

AB 23, as amended, Nation. Breast cancer.

Existing law establishes the Office of Women's Health within the State Department of Health Services. The functions of the office include, among others, to communicate and disseminate information and perform a liaison function within the department and to providers of health, social, educational, and support services to women.

Existing law also provides for various programs related to the prevention and treatment of breast cancer.

This bill would create the Mammography Patient Bill of Rights and Responsibilities.

The bill would ~~state the intent of the Legislature to enact legislation that would~~ require health care providers to accept and support specified rights of mammography patients, and ~~that would require~~ these patients to accept specified responsibilities.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The Mammography Patient Bill of Rights and
4 Responsibilities, as set forth in this act, has been developed with
5 the expectation that health care providers would support these
6 rights in the interest of delivering effective patient care.

7 (b) Health care providers are encouraged to translate and
8 explain the Mammography Patient Bill of Rights and
9 Responsibilities to meet the needs of their specific patient
10 populations and to make the Mammography Patient Bill of Rights
11 and Responsibilities understandable to patients and their families.

12 (c) The collaborative nature of health care requires that patients
13 participate in their care. The effectiveness and patient satisfaction
14 with mammograms depends, in part, on the patient fulfilling
15 certain responsibilities.

16 SEC. 2. Section 139 is added to the Health and Safety Code,
17 to read:

18 139. (a) This section shall be known and referred to as the
19 Mammography Patient Bill of Rights and Responsibilities.

20 ~~(b) It is the intent of the Legislature to enact legislation that~~
21 ~~would require that health care providers accept and support all the~~

22 (b) *Health care providers shall accept and support all the*
23 *following rights of a mammography patient in the interest of*
24 *delivering effective patient care:*

25 (1) A patient has a right to considerate and respectful care in a
26 safe environment.

27 (2) A patient has a right to be free from harassment and abuse.

28 (3) *A patient has a right to decide, in consultation with her*
29 *health care provider, whether or not to have a mammogram.*

30 (4) *A patient has a right to have a health care provider explain*
31 *that mammograms are not a treatment, but a diagnostic tool that*
32 *may detect a cancer already developed in most breast tissue.*

33 (5) A patient has a right to not be denied service or
34 discriminated against because there is no referring health care
35 provider.

36 ~~(4)~~

1 (6) A patient has a right to be informed of her health care
2 provider's charges for mammograms and available payment
3 methods.

4 ~~(5)–~~

5 (7) A patient has a right to know the identity of physicians,
6 nurses, technicians, and other health care providers involved in her
7 care, as well as when those involved are students, residents, or
8 other trainees.

9 ~~(6)–~~

10 (8) A patient has a right to obtain relevant, current, and
11 understandable information about mammography from health
12 care providers.

13 ~~(7)–~~

14 (9) A patient has a right to discuss any radiation concerns with
15 health care providers or technicians.

16 *(10) A patient has a right to be informed that she may have her*
17 *neck and thyroid shielded during a mammogram.*

18 ~~(8)–~~

19 (11) A patient has a right to be told, upon request, the amount
20 of radiation exposure caused by the mammogram.

21 ~~(9)–~~

22 *(12) A patient has a right to confirm whether the*
23 *mammography exam equipment used is certified by the American*
24 *College of Radiology.*

25 *(13) A patient has a right to confirm when the exam equipment*
26 *used was last calibrated.*

27 (14) A patient has a right to request and discuss available
28 information related to mammography, the risks involved, and any
29 medically reasonable alternatives to the existing procedures, along
30 with the accompanying risks and benefits.

31 ~~(10)–~~

32 *(15) A patient has a right to confirm that a certified radiologist*
33 *read her mammogram.*

34 *(16) A patient has a right to request that another radiologist*
35 *read her mammogram.*

36 (17) A patient has a right to receive a written statement about
37 mammography results and any necessary followup from her health
38 care provider who conducted the mammogram within 30 days of
39 the mammogram.

40 ~~(11)–~~



- 1 (18) A patient has a right to discuss the results with her health
2 care provider.
3 ~~(12)~~
- 4 (19) A patient has a right to privacy. Mammography
5 consultation, procedures, and discussions should be conducted to
6 protect patient privacy.
7 ~~(13)~~
- 8 (20) A patient has a right to expect that her health care provider
9 will treat all communications and records pertaining to her care
10 confidentially.
11 ~~(14)~~
- 12 (21) A patient has a right to see and copy her medical records,
13 including mammography results.
14 ~~(15)~~
- 15 (22) A patient has a right to have her records explained or
16 interpreted as necessary.
17 ~~(16)~~
- 18 (23) A patient has a right to expect reasonable continuity of
19 care and to have her health care provider inform her of available
20 options when changing health care providers.
21 ~~(17)~~
- 22 (24) A patient has a right to be informed that she should make
23 her previous mammogram results available to her new health care
24 provider when scheduling an appointment with a new health care
25 provider.
26 ~~(18)~~
- 27 (25) A patient has a right to expect that her current and previous
28 health care providers will emphasize the confidentiality of her
29 information when releasing it to another party who is entitled to
30 review her records.
31 ~~(19)~~
- 32 (26) A patient has a right to ask and be told of any business
33 relationship between her health care providers that may influence
34 patient care.
35 ~~(20)~~
- 36 (27) A patient has a right to borrow, copy, or permanently
37 remove original mammograms.
38 ~~(21)~~
- 39 (28) A patient has a right to be informed of health care provider
40 policies and practices that relate to mammography.



~~(22)–~~

(29) A patient has a right to be informed of available resources for resolving disputes, grievances, and conflicts, including ethics committees, patient representatives, or other available mechanisms.

~~(23)–~~

(30) A patient has a right to receive the name and contact information for the state and local agencies responsible for overseeing public health issues if she wishes to make a complaint.

~~(24)–~~

(31) A patient has a right to receive educational materials on breast cancer risk factors, symptoms, breast self-exams, mammography, and recommended timing of mammograms.

~~(25)–~~

(32) A patient has a right to have these rights visibly posted at the facility where she receives her mammogram.

~~(26)–~~

(33) A patient has a right to have these rights and educational materials written in layperson's language.

~~(c) It is further the intent of the Legislature to enact legislation that would require a mammography patient to accept all of the~~

(c) A mammography patient shall accept all of the following responsibilities in the interest of effective patient care:

(1) The patient is responsible for providing information about past illnesses, hospitalizations, medications, and other health-related matters.

(2) The patient is responsible for requesting additional information or clarification about mammograms when she does not understand the information or instructions provided.

(3) The patient is responsible for informing health care providers if she anticipates problems with having a mammogram.

(4) The patient is responsible for being aware that her health care provider is required to be reasonably efficient and equitable in providing care to other patients and the community.

(5) The patient is responsible for being considerate of and making reasonable accommodations for the needs of the health care provider.

(6) The patient is responsible for providing necessary information for insurance claims and for working with the hospital, as needed, to make payment arrangements.

1 (7) The patient is responsible for recognizing the impact of her
2 lifestyle on her medical condition because a patient's health
3 depends on more than health care services.

4 (8) *The patient is responsible for utilizing other diagnostic*
5 *care, including, but not limited to, self-exams and an annual*
6 *clinical exam to screen for breast cancer.*

